

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)
_____)

Case No. 3:12-cv-790-HTW-LGI

ORDER

On this day, July 31, 2023, this court conducted a Status Conference regarding the proposed Stipulated Order [Docket no. 36-1], submitted by the United States of America, on behalf of the Environmental Protection Agency (“EPA”), the State of Mississippi, on behalf of the Mississippi Department of Environmental Quality (“MDEQ”), and the City of Jackson, Mississippi (“City”). This proposed Stipulated Order puts the operation of the City’s sewer system under the control of the Interim Third-Party Manager, Ted Henifin, who is already overseeing the City’s drinking system.

This court, upon concluding its inquires concerning the proposed Stipulated Order at the Status Conference, signed the proposed Order, striking out the term “Stipulated”. This court stated that the Order shall be effective beginning today, July 31, 2023. Upon the conclusion of the Status Conference, and after the parties had been dismissed by this court, the parties sought to go back on the record to discuss the “Public Participation” Clause [Docket no. 36-1, ¶ 34], which states that “[the] Stipulated Order shall be lodged with the court for a period of not less than thirty (30)

days for public notice and comment. The parties, although they had agreed to the court's Order, striking the word "Stipulated". Appreciated only later that striking this word would require all parties to return to their clients and explain the consequences of striking the word "Stipulated". According to the parties, this strike would have had the effect of deleting the public input provision.

Now, this court, upon the request of all the parties, and after agreeing to the importance of possible, helpful public input regarding this public safety matter, hereby amends its bench decision, with the parties' agreement, to enter an Order including the modifying term "Stipulated", as originally submitted by the parties, thus allowing a public comment period until August 31, 2023.

This court shall now file the executed "Stipulated Order", as proposed, on its docket. Upon the conclusion of the Public Participation period, this court shall enter another Order reflecting the amendments, if any, to the proposed Stipulated Order.

/s/HENRY T. WINGATE
United States District Court Judge